

SANDLER, REIFF, YOUNG & LAMB, P.C.

December 14, 2012

Via E-Mail and First Class Mail

Jeff S. Jordan, Esq.
Supervisory Attorney
Federal Election Commission
999 E Street, N.W.
Washington D.C. 20463

Re: MUR 6691

Dear Mr. Jordan:

I serve as counsel for Lampson For Congress and the Texas Democratic Party (as well as their Treasurers in their official capacity) ("TDP"), and I am writing in response to the Commission's letter dated November 16, 2012 regarding the above reference matter and enclosing a complaint from Ben Hartman.

While not entirely clear, the complaint appears to allege that the Texas Democratic Party engaged in "illegal coordination" with the Lampson for Congress campaign but does not attempt to articulate any cognizable violation of any federal law other than the Commission's limitation on coordinated expenditures at 2 U.S.C. § 441a(d). In addition, the complaint appears to allege that disclaimers used by the TDP failed to state that Lampson for Congress failed to authorize communications disseminated by the Texas Democratic Party. Of course, this claim is without merit as the party was not required to include an authorization statement as these communications were disseminated under exempt campaign materials provision of the Federal Election Campaign Act of 1971, as amended.

DISCUSSION

In his complaint, Mr. Hartman states that Lampson for Congress and the TDP illegally coordinated its mailings with Lampson for Congress. However, if Mr. Hartman had any knowledge of the basics of federal campaign finance law, or any knowledge on how to read a federal campaign finance report, Mr. Hartman would know that the Texas Democratic Party undertook these mailings in accordance with 2 U.S.C. §§ 431(8)(B)(ix) & (9)(B)(viii). These

provisions of federal law permit the party to disseminate, without limit, and in coordination with its candidates, campaign materials on behalf of its nominees. The pages of the campaign reports provided by Mr. Hartman, indicate just that...the materials that are subject to this complaint were volunteer exempt campaign materials and were properly and fully disclosed on Line 30(b) of the Texas Democratic Party's campaign finance reports.¹

Attached as Exhibit A to this response, please find declarations from Joseph Vogas and Nancy Johnson. Mr. Vogas is the Field Coordinator for the TDP. One of Mr. Vogas's duties was to recruit and train volunteers to work on volunteer exempt mailings. Mr. Vogas declaration attests that he recruited volunteers to work on mailings and that he trained them on the proper procedures necessary to undertake the mailings. Although Mr. Vogas was not present at every mailing undertaken by the TDP, it is his understanding that volunteers were recruited to work at a mail house where exempt mail was being processed and that volunteers were present at these mailings. Ms. Johnson was one of those volunteers and her declaration describes the activities undertaken by the volunteers at the mail house.

As the declaration attests, the dissemination of these materials included significant volunteer involvement. In addition, the Texas Democratic Party did not use any national party funds to pay for the dissemination of these materials. Therefore, these activities are exempt from the limitations of 2 U.S.C. § 441a(d).

With respect to the allegation that the communications did not state whether they were authorized by the Lampson committee, exempt campaign materials do not require such an authorization statement. 11 C.F.R. § 110.11(e).

¹ The complaint also attempts to take issue with payments made by Lampson for Congress to the Texas Democratic Party. Since such payments are not subject to limit and are not related to these mailings, we need not address any allegations related to these transfers which are not subject to limit. See 2 U.S.C. § 439a(a)(4).

CONCLUSION

The Commission has stated that it "may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the FECA..." Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas, MUR 4960, p.1 (December 21, 2000). The complaint does not allege a single fact that could actually result in any violation of the Federal Election Campaign Act or the Commission's regulations. Therefore, the complaint must be dismissed. Regardless of the insufficiency of the complaint, the TDP undertook campaign mailings on behalf of its nominee, Nick Lampson in full compliance with federal laws and regulations.

Respectfully submitted,



Neil P. Reiff

Counsel for the Texas Democratic Party and
Lampson for Congress